

SENATE BILL NO. 209

BY SENATOR FONTENOT

1 AN ACT

2 To amend and reenact R.S. 30:2054(B)(9) and to enact R.S. 30:2074(B)(10), relative to
3 environmental quality; to authorize the secretary of the Department of
4 Environmental Quality to develop regulatory permits; to provide for limitations on
5 such authority; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2054(B)(9) is hereby amended and reenacted and R.S.
8 30:2074(B)(10) is hereby enacted to read as follows:

9 §2054. Air quality control; secretary of environmental quality; powers and duties

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11 B. The secretary shall have the following powers and duties:

12 * * *

13 (9)(a) To develop **regulatory** permits ~~by rule~~ for certain ~~temporary~~ air
14 emissions ~~of less than one hundred eighty days in duration~~ provided the conditions
15 in Subparagraph (b) are satisfied.

16 (b)(i) A **regulatory** permit ~~by rule~~ cannot be used for any facility which is
17 a new major stationary source or for any major modification of an existing source
18 **as defined in applicable rules and regulations and which is** subject to the New
19 Source Review (NSR) requirements of the Federal Clean Air Act.

20 ~~(ii) A facility shall comply with all applicable provisions of Section 3 (New~~
21 ~~Source Performance Standards) and Section 112 (Hazardous Air Pollutants) of the~~
22 ~~Federal Clean Air Act.~~

23 ~~(iii)~~(ii) Use of a **regulatory** permit ~~by rule~~ may be precluded by specific
24 permit conditions contained within a Federal Clean Air Act Part 70 Operating
25 Permit.

26 ~~(iv)~~(iii) A **regulatory** permit ~~by rule~~ may not authorize the maintenance of

1 a nuisance or a danger to public health or safety. All emissions control equipment
2 shall be maintained in good condition and operated properly.

3 (iv) A regulatory permit shall not preclude the secretary from exercising
4 all powers and duties as set forth in R. S. 30:2011(D), including but not limited
5 to, the authority to conduct inspections and investigations and enter facilities as
6 provided in R.S. 30:2012, and to sample or monitor, for the purpose of assuring
7 compliance with a regulatory permit or as otherwise authorized by the
8 Louisiana Environmental Quality Act, Federal Clean Air Act, or regulations
9 adopted thereunder, any substances or parameters at any location.

10 (v) A regulatory permit shall require compliance with all applicable
11 provisions of the Louisiana Air Quality Regulations and the Federal Clean Air
12 Act. Violation of the terms or conditions of a regulatory permit constitutes a
13 violation of such regulation or Act.

14 (vi) A regulatory permit shall, as appropriate, prescribe emission
15 limitations, any necessary control requirements, other enforceable conditions,
16 and associated monitoring, recordkeeping, and reporting provisions necessary
17 for the protection of public health and the environment.

18 (vii) A regulatory permit shall require any person seeking such permit
19 to submit a written notification and any fee authorized by this Subtitle and
20 applicable regulations to the secretary. Submission of a written notification and
21 any fee authorized by this Subtitle and applicable regulations shall be in lieu of
22 submission of a permit application. The written notification shall be signed and
23 certified in accordance with LAC 33:III governing permit application submittal.
24 Any person who submits a written notification and any fee authorized by this
25 Subtitle and applicable regulations shall be authorized to operate under the
26 regulatory permit for which the notification was submitted when notified by the
27 department that the notification was complete.

28 (viii) All regulatory permits promulgated by the secretary shall establish
29 notification procedures, permit terms, and confirmation of notification by the
30 department and shall be promulgated in accordance with the procedures

provided in R.S. 30:2019.

(ix) No later than January 1, 2007, the secretary shall consider which activities are appropriate for coverage under a regulatory permit and publish an initial list of such activities.

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§2074. Water quality control; secretary of environmental quality; powers and duties

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B. The secretary shall have the following powers and duties:

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(10) To develop regulatory permits for certain water discharges provided the following conditions are satisfied:

(a) A regulatory permit cannot be used for any facility which is a new major facility or for any major modification of an existing facility as defined in applicable rules and regulations.

(b) Use of a regulatory permit may be precluded by specific permit conditions contained within a Louisiana pollutant discharge elimination system permit.

(c) A regulatory permit shall not preclude the secretary from exercising all powers and duties as set forth in R.S. 30:2011(D), including but not limited to the authority to conduct inspections and investigations and enter facilities as provided in R.S. 30:2012, and to sample or monitor, for the purposes of assuring compliance with a regulatory permit or as otherwise authorized by this Subtitle, federal Water Pollution Control Act, or regulations adopted thereunder, any substances or pollutants at any location.

(d) A regulatory permit shall require compliance with all applicable provisions of the department's rules and regulations and the federal Water Pollution Control Act. Violation of the terms and conditions of a regulatory permit constitutes a violation of such regulation or Act.

(e) A regulatory permit shall prescribe, as appropriate, discharge limitations, any necessary control requirements, other enforceable conditions,

1 and associated monitoring, record keeping, and reporting provisions necessary
2 for the protection of public health and the environment.

3 (f) A regulatory permit shall require any person seeking such permit to
4 submit a written notification and any fee authorized by this Subtitle and
5 applicable regulations to the secretary. Submission of a written notification and
6 any fee authorized by this Subtitle and applicable regulations shall be in lieu of
7 submission of a permit application. The written notification shall be signed and
8 certified in accordance with LAC 33:IX governing permit application submittal.
9 Any person who submits a written notification and any fee authorized by this
10 Subtitle and applicable regulations shall be authorized to operate under the
11 regulatory permit for which the notification was submitted when notified by the
12 department that the notification was complete.

13 (g) All regulatory permits promulgated by the secretary shall establish
14 notification procedures, permit terms, and confirmation of notification by the
15 department and shall be promulgated in accordance with the procedures
16 provided in R.S. 30:2019.

17 (h) No later than January 1, 2007, the secretary shall consider which
18 activities are appropriate for coverage under a regulatory permit and publish
19 an initial list of such activities.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____